

**ORDINANCE NO. 2060****AN ORDINANCE RELATING TO THE USE OF PARK AREAS: PROVIDING FOR PENALTIES FOR VIOLATION THEREOF; REPEALING ORDINANCE 1918 AND DECLARING AN EMERGENCY.****THE CITY OF WOODBURN ORDAINS AS FOLLOWS:**

**Section 1. Policy.** The City of Woodburn may develop, construct, improve, operate and maintain park and recreation facilities in a manner which will best afford the public with necessary conveniences and accommodations. In order to protect the health, safety and well-being of the public, and insure the greatest use and benefits from such areas, it is necessary to make regulations and provisions the City Council deems necessary.

**Section 2. Definitions**

- (1) Board. The Woodburn Recreation and Parks Board.
- (2) Council. The Woodburn City Council.
- (3) Director. The person hired by the City of Woodburn who is in charge of the City Recreation and Parks Department of the City of Woodburn or his designee.
- (4) Park Area. A City Park, wayside area, community rest areas, scenic or historical areas, public park open spaces and greenbelt areas.
- (5) Park Employee. Any employee of the City of Woodburn Recreation and Parks Department.
- (6) Person. A natural person, firm, partnership, association, or corporation.

**Section 3. General Rules and Regulations.** The general rules and regulations for City of Woodburn Parks shall be as follows:

(1) Fires in park areas:

No person shall build a fire in any park area unless said fire is confined to:

- (a) Park camp stoves or fireplaces.
- (b) Portions of parks designated as permitting fires.
- (c) Portable stoves in established picnic areas and designated where fires are permitted.
- (d) No fire shall be left unattended, and every fire shall be extinguished before its user leaves the park area.

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(2) No person in a park area shall hunt, pursue, trap, kill, injure or molest any birds or animals or disturb their habitat. [Section 3(2) as amended by Ordinance 2083, passed May 26, 1992.]

(3) No person shall pick, cut, mutilate or remove from any park area flowers, shrubs, foliage, trees, plant life, barkdust, or products of any type without the written permission of the Director or his authorized agent.

(4) No person shall, except in areas designated by City Council, erect signs, markers, or inscriptions of any type within a park area without permission from the Director.

(5) No person in a park area shall sell, peddle or offer for sale any food liquids, edibles for human consumptions, or any goods, wares, service or merchandise within the park area except under permit by the Director, and then only subject to such laws and regulations as may now or hereafter exist.

(6) No person shall, except duly authorized peace officers in the course of their duties, drive, lead or keep a horse or other farm animal in any park area, except on such roads, trails or other areas designated for that purpose. No horse or such animal shall be hitched to any tree or shrub in such manner that may cause damage to such tree or shrub. The only exception to this rule would be during a parade line-up or a special event, and only after obtaining written permission from The Director.

(7) No person shall wash any clothing, or materials or other substances, or clean any fish in a park area or in a lake, stream or river, or in a park area. Park sinks, faucets and hydrants within the confines of parks or park restrooms shall not to be used for washing clothes of any type.

(8) No person shall use park sinks, other than those provided in public restrooms, for personal hygiene. Faucets, drinking fountains, hose outlets and hydrants shall not be used for this purpose.

(9) No person shall clog picnic shelter sinks in a park area with food, debris, grease or any other substances

(10) No person shall camp in a park area except by written approval of the Director.

(11) The Director may restrict to designated zone areas certain activities, including but not limited to, swimming, picnicking, group picnicking, boating, water skiing, fishing, camping, group camping, hiking and horseback riding.

(12) No person shall enter or remain in a park area anytime between the hours of 10:00 p.m. and 7:00 a.m. the following morning during April 1 through September 30 of the calendar year, or between the hours of 7:00 p.m. and 7:00 a.m. the following morning during October 1 through March 31 of the calendar year. This section shall not apply to:

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(a) Persons attending an event for which a permit has been issued.

b) Participants or spectators of athletic events in park areas lighted for these events; or

(c) Persons attending events sponsored by the City.

[Section 3(12) as amended by Ordinance 2083, passed May 26, 1992.]

(13) No person shall have in their possession, any alcoholic beverages or intoxicating liquor, or consume such liquor while in a park area except that the use of alcoholic beverages may be permitted in Centennial Park in compliance with a Special Event Park Use Permit where the city has issued the permit and the premises have been licensed for the service of alcoholic beverages by the Oregon Liquor Control Commission.

[Section 3(13) as amended by Ordinance 2083, passed May 26, 1992 and by Ordinance 2321, passed July 8, 2002.]

(14) Nothing in this ordinance shall in any manner restrict the authority of the City of Woodburn to enforce all State statutes and City Ordinances relating to the use and control of alcoholic beverages.

(15) The Director, any Park employee, Code Enforcement officer, or member of the Woodburn Police Department is authorized to issue a civil infraction citation for a violation of this ordinance.

(16) The Council, City Administrator or The Director shall have the authority to close a park area or a portion of a park area to the public at any time and without notice for any reasonable and necessary circumstance including, but not limited to, construction and maintenance in the park area and for the existence of a hazardous condition.

**Section 4. Fees.** Fees may be charged for certain services and privileges, and for the use of designated areas, buildings or facilities. No person shall enter or use such areas, buildings, services or facilities or to be granted those privileges unless the appropriate fee or fees have been paid.

**Section 5. Rules of Conduct.** The City Recreation and Parks Department may adopt administrative rules for the conduct of persons participating in City Programs in the park areas or the Community Center. All persons participating in City Programs shall be registered. The Rules of Conduct shall be administered by the Director, or a park employee.

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**Section 6. Animals.**

(1) Persons owning, keeping or harboring a dog within a par(k) area are responsible for the dogs behavior and shall comply with the following regulations:

(a) A dog shall be on a leash not more than eight (8) feet in length, or confined in a vehicle at all times.

(b) A vicious dog shall not be permitted.

(c) A dog may not deposit solid waste matter on any improved park property unless the person owning, keeping, or harboring the dog immediately removes the solid waste.

(2) The Director or a park employee may require a person in charge of any animal to undertake any measure, including the removal of an animal from the park area to prevent interference by the animal with the safety, comfort or well being of park area visitors or resources.

(3) No farm animal, including, but not limited to, horses, cattle, sheep and goats is allowed in a park area except by permission of the Director.

**Section 7. Glass Beverage Containers.** Except by written authorization from the Director or designated park employee, no person shall possess a beverage container made of glass in any park area.

**Section 8. Additional Prohibited Activities.** In addition to any other prohibitions in this ordinance, no person in a park area shall:

(1) Set or use a public address system without the written permission of the Director.

(2) Operate or use any noise producing device in a manner that disturbs other park visitors.

(3) Use a metal detector without the written permission of the Director.

(4) Play sports or engage in other recreational activities in areas designated by the Director as unavailable for those activities.

(5) Over crowd persons or vehicles so that necessary access to emergency vehicles is unavailable. Vehicles improperly parked will be towed at owners expense.

**Section 9. Penalty.** Any violation of this Ordinance constitutes a class 4 civil infraction and shall be dealt with according to the procedures established by Ordinance 1998.

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**Section 9A. Enhanced Penalty for Violation of Special Park Use Permit.**

Notwithstanding Section 9 of this Ordinance, which provides that a violation of the park rules established by this Ordinance constitutes a class 4 civil infraction, any violation of the terms and conditions of a Special Event Park Use Permit by the permittee shall constitute a class 1 civil infraction and shall be dealt with according to the procedures established by Ordinance 1998, the civil infraction ordinance.

(Section 9A added by Ordinance 2321, passed July 8, 2002.)

**Section 9B.** In addition to other measures provided for violation of this Ordinance, or any of the laws of the State of Oregon, any peace officer, as defined by ORS 133.005(3), as amended, or any City of Woodburn park or parks maintenance official or employee designated by the City Administrator, may exclude any person who violates any provision of this Ordinance, any City ordinance, any of the laws of the State of Oregon, or any rule or regulation duly made and issued by the by the City Recreation and Parks Department or the City Council from any City park for a period of not more than 30 days.

(1) Written notice shall be given to any person excluded from any City park. Such notice shall specify the dates and places of exclusion. It shall be signed by the issuing party. Warning of consequences for failure to comply shall be prominently displayed on the notice.

(2) A person receiving such notice may appeal to the Woodburn Municipal Court to have the written notice rescinded or the period shortened. The appeal shall be filed within 5 days of receipt of the exclusion notice, unless extended by the Court for good cause shown.

(a) The appeal need not be in any particular form, but should substantially comply with the following requirements:

- (i) Be in writing
- (ii) Identify the date, time, and place of the exclusion
- (iii) Identify the name and address of the appealing party
- (iv) Identify the official who issued the exclusion

(b) A copy of the appeal shall be served on the City Official who initiated the exclusion

(c) The appeal hearing shall be held within ten (10) days after the request is made. The day may be postponed by:

- (i) Agreement of the parties; or
- (ii) Order of the court for good cause.

(d) The court shall promptly notify:

- (i) The person appealing; and
- (ii) The issuing official

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(e) At the appeal hearing the city and any interested parties shall have the right to be present evidence and witnesses and be heard. After due consideration of pertinent information and testimony the court shall render its finding. The finding of the court will be final.

(3) At any time within the 30 days, a person receiving such notice may apply in writing to the City Administrator for a temporary waiver from the effects of the notice for good reason.

(Section 9B added by Ordinance 2342, passed July 28, 2003.)

**Section 10. Severability.** Each portion of this Ordinance shall be deemed severable from any other portion. The unconstitutionality or invalidity of any portion of this Ordinance shall not invalidate the remainder of the Ordinance.

**Section 11. Repeal and Saving Clause.**

(1) Ordinance No. 1918 is hereby repealed.

(2) Notwithstanding Subsection (1) of this Section, Ordinance No. 1918 shall remain valid and in force for the purpose of authorizing arrest, prosecution, conviction and punishment of a person who violated Ordinance No. 1918 prior to the effective date of this Ordinance.

**Section 12.** [Emergency clause.]

***Passed by the Council April 22, 1991 and approved by the Mayor April 23, 1991.***

